



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,299	09/02/1999	TETSUYA KOBAYASHI	03327.2220	5264

22852 7590 04/19/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

LAFORGLIA, CHRISTIAN A

ART UNIT PAPER NUMBER

2131

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

e

Office Action Summary	Application No.		Applicant(s)	
	09/389,299		KOBAYASHI ET AL.	
	Examiner		Art Unit	
	Christian La Forgia		2131	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13 and 15-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-7, 9, 10, 13, 15-18, 20, 23 and 25 is/are allowed.
- 6) ☒ Claim(s) 11, 19, 21, 22, 24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 January 2006 has been entered.
2. Claims 1-11, 13, and 15-28 have been presented for examination.

Response to Arguments

3. Applicant's arguments, see pages 10 and 11, filed 26 January 2006, with respect to claims 1-3, 5-7, 9, 10, 13, 15-18, 20, 23, and 25 have been fully considered and are persuasive. The rejection of claims 1-3, 5-7, 9, 10, 13, 15-18, 20, 23, and 25 has been withdrawn.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, such as a setting section that allows a user to set a pause condition for each job kind and a stop condition for each job kind in combination with a controller, wherein when a button is depressed, the controller makes a first job, which is being executed by the execution section and satisfies the pause condition, pause and stop and delete a second job, which is being executed by the execution section and satisfies the stop condition, are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
5. See further rejections that follow.

Claim Rejections

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 11, 19, 21, 22, 24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,213,652 Suzuki et al., hereinafter Suzuki, in view Applicant's Admitted Prior Art, hereinafter AAPA, and further in view of U.S. Patent No. 5,669,040 to Hisatake, hereinafter Hisatake.

8. As per claims 11, 19, 21, and 22, Suzuki teaches a job execution control apparatus comprising:

an execution section (Figure 34 [block 313]; column 48, lines 27-59);

a storage section that stores a first condition satisfied by a job which is stopped and deleted without any restriction in response to a predetermined event (Figure 36 [block 330a]; column 49, lines 23-48);

a pause section that makes a job, which is being executed by the execution section and satisfies the second condition, pause in response to the predetermined event (Figure 34 [block 312e], 37; column 50, lines 8-53).

9. Suzuki does not teach executing the jobs in a parallel manner.

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to execute the jobs in a parallel manner, since the AAPA holds that it is well known to execute a plurality of jobs in a parallel-manner on page one of "Background of the Invention."

11. Suzuki does not disclose a second condition satisfied by a job which pauses in response to the predetermined event. It would have been obvious to one of ordinary skill in the art at the

Art Unit: 2131

time the invention was made to provide for a second condition to be satisfied by a job which pauses in response to the predetermined event, since it has been held that merely duplicating a step in order to have a multiple effect requires only routine skill in the art. See MPEP § 2144.04; see *In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960).

12. Suzuki does not disclose a stop section that stops the job satisfying the first condition in response to the predetermined event; a display that displays the pausing jobs made to pause by the pause section; and a designation section that designates at least one job from the pausing jobs to stop, or restart the designated job.

13. Hisatake discusses a stop section that stops the job satisfying the first condition in response to the predetermined event (Figures 7 and 8 [blocks U12b, U12d], 9 [blocks SU5, SU7], 10 [blocks SU21, SU28, SU30], 14 [blocks U34b, U34d], 16 [blocks U34b, U34d], 25 [blocks U52b, U52d], 26 [blocks U62b, U62d], 27 [blocks U72c, U72e]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26);

a display that displays the pausing jobs made to pause by the pause section (Figures 6, 7 and [blocks L2, L3, L4], 9 [block U11], 11, 14, 16, 24a, 24b, 24c, 25, 26, 27; column 2, lines 42-47; column 12, lines 21-39); and

a designation section that designates at least one job from the pausing jobs to stop, or restart the designated job (Figures 7 and 8 [block U12b], 9 [block SU5], 10 [blocks SU21, SU28], 14 [block U34b], 16 [block U34b], 25 [block U52b], 26 [block U62b], 27 [block U72c]; column 13, lines 15-20; column 13, lines 47-62; column 14, lines 18-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a stop section, display section and a specifying section, since Hisatake states at column 2, lines 27-31

Art Unit: 2131

that such a modification would allow an operator to reliably and easily identify an already registered job and alter its processing content without delaying processing of the other jobs.

14. Regarding claims 24 and 26-28, Suzuki discloses wherein said predetermined event includes an instruction input operation of a user (column 48, line 67 to column 49, line 4; column 49, lines 23-48).

Allowable Subject Matter

15. Claims 1-3, 5-7, 9, 10, 13, 15-18, 20, 23, and 25 are allowed.

16. The following is a statement of reasons for the indication of allowable subject matter:

As stated above, the Examiner agrees with the Applicant's arguments that the prior art does not disclose a setting section that allows a user to set a pause condition for each job kind and a stop condition for each job kind in combination with a controller, wherein when a button is depressed, the controller makes a first job, which is being executed by the execution section and satisfies the pause condition, pause and stop and delete a second job. Since no teachings or motivation can be found of a setting section that allows a user to set a pause condition for each job kind and a stop condition for each job kind in combination with a controller, wherein when a button is depressed, the controller makes a first job, which is being executed by the execution section and satisfies the pause condition, pause and stop and delete a second job, claims 1-3, 5-7, 9, 10, 13, 15-18, 20, 23, and 25 are therefore novel and non-obvious.

Art Unit: 2131

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792.

The examiner can normally be reached on Monday thru Thursday 7-5.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia
Patent Examiner
Art Unit 2131

clf


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER